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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

US10105US

First named inventor: Srinivas Gutta

Application No.: 09/821,183

Art Unit:

Filed: March 29, 2001

Examiner:

Title: METHOD AND APPRATUS FOR CONTROLLING A MEDIA PLAYER BASED ON USER ACTIVITY

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

*Adjustment date 6/20/08 CR 1453 \$1540 CR to A# 14-1270*

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**
☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1540.00 (37 CFR 1.17(m))
**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**3. Terminal disclaimer with disclaimer fee**

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

\_\_\_\_\_  
/Yan Glickberg/

Signature

\_\_\_\_\_  
May 13, 2008

Date

\_\_\_\_\_  
Yan Glickberg

Typed or printed name

\_\_\_\_\_  
51,742

Registration Number, if applicable

\_\_\_\_\_  
P.O. Box 3001

Address

\_\_\_\_\_  
440-483-3455

Telephone Number

\_\_\_\_\_  
Briarcliff Manor, NY 10510

Address

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: \_\_\_\_\_**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

\_\_\_\_\_  
Date\_\_\_\_\_  
Signature\_\_\_\_\_  
Typed or printed name of person signing certificate

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**RAM** Fee History  
Query  
Revenue Accounting and Management

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Name/Number: 09821183

Total Records Found: 10

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
05/14/2008	00000475	<u>4</u>	<u>1453</u>	\$1,540.00	05/13/2008	DA 141270
10/31/2007	00012813	<u>4</u>	<u>1453</u>	\$1,540.00	10/31/2007	DA 141270
06/12/2007	00001778	<u>4</u>	<u>1801</u>	\$790.00	06/11/2007	DA 141270
08/31/2006	00000425	<u>4</u>	<u>1801</u>	\$790.00	08/30/2006	DA 141270
01/24/2006	00000019	<u>1</u>	<u>1801</u>	\$790.00	01/23/2006	CC
07/26/2001	00000071	<u>1</u>	<u>115</u>	\$110.00	07/23/2001	DA 141270
04/27/2001	00000018	<u>1</u>	<u>581</u>	\$40.00	03/29/2001	DA 141270
04/03/2001	00000089	<u>1</u>	<u>101</u>	\$710.00	03/29/2001	DA 141270
04/03/2001	00000090	<u>1</u>	<u>102</u>	\$240.00	03/29/2001	DA 141270
04/03/2001	00000091	<u>1</u>	<u>103</u>	\$36.00	03/29/2001	DA 141270

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## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	3296246
<b>Application Number:</b>	09821183
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	4515
<b>Title of Invention:</b>	Method and apparatus for controlling a media player based on user activity
<b>First Named Inventor/Applicant Name:</b>	Srinivas Gutta
<b>Customer Number:</b>	24737
<b>Filer:</b>	Yan Glickberg/Elissa DeLuccy
<b>Filer Authorized By:</b>	Yan Glickberg
<b>Attorney Docket Number:</b>	US010105
<b>Receipt Date:</b>	13-MAY-2008
<b>Filing Date:</b>	29-MAR-2001
<b>Time Stamp:</b>	14:58:14
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 1540
RAM confirmation Number	305
Deposit Account	141270
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)	

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**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND												
1 Date of Request: 06/16/08		2 Serial/Patent # 09/821,183										
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT								
	Filing			\$								
	Amendment			\$								
	Extension of Time			\$								
	Notice of Appeal/Appeal			\$								
X	Petition		05/13/08	\$ 1,540.00								
	Issue			\$								
	Cert of Correction/Terminal Disc.			\$								
	Maintenance			\$								
	Assignment			\$								
	Other			\$								
			7 TOTAL AMOUNT OF REFUND		\$ 1,540.00							
8 TO BE REFUNDED BY:												
10 REASON:		Treasury Check										
X	Overpayment	Credit Deposit A/C #:										
	Duplicate Payment	9 <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 20px;">1</td> <td style="width: 20px;">4</td> <td style="width: 20px;">--</td> <td style="width: 20px;">1</td> <td style="width: 20px;">2</td> <td style="width: 20px;">7</td> <td style="width: 20px;">0</td> </tr> </table>				1	4	--	1	2	7	0
1	4	--	1	2	7	0						
	No Fee Due (Explanation):											
11 REFUND REQUESTED BY:												
TYPED/PRINTED NAME: Tredelle Jackson		TITLE: Paralegal										
SIGNATURE: _____		PHONE: 2-2783										
OFFICE: Office Of Petition												
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****												
APPROVED:		DATE: 6/20/08										

*Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:*